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## Results of the Domestic Relations Committee's Survey

Dicta Editorial Board

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the parties, and the further rule that condonation of the acts of the one sinning by the one sinned against is a bar to the parties obtaining a divorce. We are unable to see the connection between these defenses to a divorce and the fundamental question of whether the parties should be separated for the benefit of themselves, or the community, or the children. We believe it would be better to allow a trained court to determine what is best for the parties, their children, and the community as a whole, and make a clean cut decision accordingly. We would like to have this to develop the interests of the public and the attorneys of the state to the end that our entire divorce code is rewritten to operate on a more equitable and sensible basis.

#### RESPONSE SHOWS COLORADO READY FOR CHANGE

The responses to our questionnaires indicated that the lawyers of the state are ready for some changes, notably, the forming of a family or domestic relations court with a separate staff to investigate and carry out orders of the court in counties of sufficient population. The enactment of a uniform divorce, annulment, and separate maintenance statute correlated with the laws on juvenile cases and giving a rather wide latitude to such courts is also favored. However, the majority of the lawyers feel that the property rights of the spouses should be defined by statute. Most of the answers to our questionnaire were very definite and show that the attorneys have specific ideas about the changes they want. The ideas of the different attorneys throughout the state conflict, however, and show the necessity of some study and education throughout the bar. It is encouraging to note that the attorneys are interested enough in the problem to want to do something about it. We believe that a full study of the problems should be further made and a legislative program worked out toward better laws concerning the family and domestic relations in the state. We hope that the committee which succeeds us will carry on the work toward that end.

## RESULTS OF THE DOMESTIC RELATIONS COMMITTEE'S SURVEY

Some 448 returns thus far have been received on the questionnaires sent out to the membership of the Colorado Bar Association in July by the Domestic Relations Committee. The following are the results as reported by Stevens Park Kinney, committee member, who undertook the arduous task of tabulating the returns:

	Yes	No
1. Are you satisfied with existing divorce and annulment laws?....	124	304
2. Do you favor a separate court for domestic relations matters in counties of large population?.....	281	135

3. Do you favor an officer or department of the court to enforce collections of court orders and to investigate supplemental actions in domestic matters?.....	298	115
4. Do you favor the drawing-up of a uniform divorce and annulment act to be submitted to the states for adoption?.....	354	74
5. Do you believe the bench is giving adequate consideration to divorce and annulment cases, particularly contempt proceedings? .....	186	218
6. Do you believe any additional grounds for divorce should be added in Colorado?.....	144	270
(Incompatibility was the most popular recommended addition)		
Or that any existing grounds should be abolished?.....	30	213
(Insanity was the ground most generally objected to)		
7. Do you favor legislation making it a federal offense for a man to cross state lines to evade responsibility in supporting his children, even if such legislation to be effective would necessitate an amendment to the U. S. Constitution?.....	306	125
8. Do you believe that common-law marriages should be abolished in Colorado? .....	158	273
9. Do you believe that law schools are giving adequate instruction in domestic relations?.....	158	147
10. Do you believe attorneys are giving adequate advice and counsel to clients in domestic relations problems?.....	220	144
If not, do you believe attorneys should specialize in domestic relations? .....	69	151
11. Would it be wise to correlate our laws concerning divorce and annulment, separate maintenance, juvenile delinquency, and juvenile dependency in one over-all action, allowing a court of competent jurisdiction considerable leeway in dealing with the parties as their need appears?.....	266	144
12. Should we do away with the theories of collusion, recrimination and condonation as defenses in divorce actions?.....	212	200
13. Should the county court jurisdictional restriction of \$2,000 in civil actions be removed in divorce cases?.....	220	197
14. In the interest of reconciling the parties, should the state by law close divorce files from newspaper publication in order to keep domestic troubles from becoming public?.....	226	199
15. Should the respective property rights of the spouses as to property of either acquired prior to marriage and acquired during the marriage be defined clearly by statute?.....	299	123
16. Should children be represented as active parties in interest in divorce actions? .....	204	205
17. Do you favor Colorado adopting an act to enforce support money payments entered by courts of other states when the supporting parent has become a resident of this state?.....	377	54
18. Do you believe that the six-month period required to obtain a final decree of divorce should be		
lengthened .....	23	
shortened .....	77	
remain as is.....	292	
or left to the discretion of the court?.....	46	
19. Do you believe in granting divorce decrees on the philosophy of diagnosis and therapy designed in each case for what is best for the family and society?.....	275	
Or do you believe we should continue with the old system of guilt and punishment and the antagonistic divorce?.....	107	